

REMARKS

Reconsideration is respectfully requested in view of the foregoing Amendments and the following remarks.

The claims presently pending in the application are 1 and 3-15. Claim 2 has been cancelled. Claims 1 and 15 have been amended and those amendments are supported in the as-filed specification.

The objection to claim 2 is rendered moot in view of its cancellation.

Claims 4, 5 and 13-15 stand rejected under 35 U.S.C. §112, second paragraph, and being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

As is evident from the language in claims 4 and 5, the ratio referred to therein is the arithmetic result of dividing the weight of the non-woven fabric by its surface. Naturally, weight and surface are measured in different units (in the instant case, grams [g] and square meters [m²], respectively). Therefore, the resulting ratio cannot be unit-less but must necessarily be expressed as “g/m²”. It is respectfully submitted that the expressions 10g/m² and similar expressions which appear in claims 4 and 5 are, in fact, clear and definite.

Furthermore, claim 4-5 clearly state that “what is being measured” is the non-woven fabric itself. Measuring the weight and surface of a fabric requires no more than normal skills. In addition, for any given material (including fabrics) the weight/surface ratio is a constant property of the material per se, i.e. it remains constant regardless of the size/shape/dimensions of the fabric actually measured. Thus, there is no need to further define in the claims, the type of fabric sample being measured.

With respect to claims 13 and 14, the Examiner is correct in interpreting these claims as directed to a “product” that can be made from the non-woven fabric of claim 1. Should the Examiner consider it more clear, the Examiner is authorized to replace the expression “*manufacture*” with “*product*” in claims 13-14.

Since claims 13-14 depend from claim 1, and since claim 1 is now limited to the novel and non-obvious non-woven fabric of former claim 2, claims 13-14 no longer read on the prior art. Accordingly, as a consequence they are both novel and non-obvious.

Similarly, claim 15 now incorporates the features of allowable claim 2, i.e., it requires that the trimmings in question are those of a non-woven fabric composed of hydro entangled, thermo-bonded or spun bonded fibers. This limitation avoids any possibility that this claim reading on the prior art. Furthermore, it specifies, with particularity the source of the trimmings, i.e. those coming from the processing of non-woven fabrics composed of hydro entangled, thermo-bonded or spun bonded fibers.

It is thus respectfully submitted that the presently amended claims are definite in accordance with 35 USC §112. Thus, withdrawal of this rejection is respectfully solicited.

Claims 1, 3, 6-8 and 11-15 stand rejected under 35 USC 102(b) over Brown, U.S. 2,961,011. This rejection is respectfully traversed.

With respect to the Brown reference, since all of the claims now incorporate the features recited in former claim 2, which the Examiner regards as being free of the prior art and thus allowable, it is believed that the §102(b) rejection based on Brown is not applicable. Since the claims distinguish over the teaching of Brown, withdrawal of the rejection is solicited.

Claims 4 and 5 stand rejected under §103(a) over Brown. Claims 9 and 10 also stand

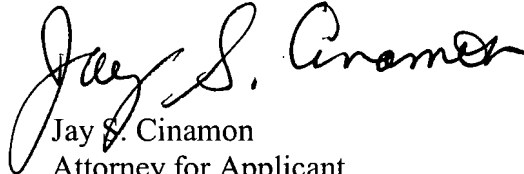
rejected under §103(a) over Brown. These two (2) §103(a) rejections are traversed.

Since claims 4,5,9 and 10 incorporate the features recited in claim 2, which is regarded by the Examiner as free of the prior art and thus allowable, it is respectfully submitted that claims 4, 5, 9 and 10 distinguish over Brown. Accordingly, the rejections under §103(a) have been overcome and should be withdrawn.

The issuance of a Notice of Allowance is respectfully solicited.

Please charge any fees which may be due to our Deposit Account No. 01-0035.

Respectfully submitted,


Jay S. Cinamon
Attorney for Applicant
Reg. No. 24,156

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017
(212) 949-9022
(212) 949-9190